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Lung Injury Lab

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Banner & Witcoff Ref. No.

003413.00035

SOLE DECLARATION FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name:

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

ACUTE RESPIRATORY SYNDROMES

the specification of which is filed herewith unless the following box is checked:

☒ was filed on October 14, 2005 as US Application Serial No. 10/553,232 on October 14, 2005, and amended on October 14, 2005 (if any);
and for Patent Cooperation Treaty (PCT) International Application Number PCT/US2004/011392 filed April 14, 2004, and amended on _____ (if any).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, 1.56(a).

Prior Foreign Application(s)

I hereby claim foreign priority benefits under Title 35, United States Code, 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| Country | Application No. | Date of Filing (day month year) | Date of Issue (day month year) | Priority Claimed Under 35 U.S.C. 119 |
|---------|-----------------|------------------------------------|-----------------------------------|---|
| | | | | |

Prior United States Provisional Application(s)

I hereby claim priority benefits under Title 35, United States Code, 119(e)(1) of any U.S. provisional application listed below:

| U.S. Provisional Application No. | Date of Filing (day month year) | Priority Claimed Under 35 U.S.C. 119(e)(1) |
|----------------------------------|------------------------------------|---|
| 60/462,316 | 14 April 2003 | Yes |
| 60/465,266 | 25 April 2003 | Yes |

Prior United States Application(s)

I hereby claim the benefit under Title 35, United States Code, 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application Serial No. | Date of Filing (Day, Month, Year) | Status <input type="checkbox"/> Patented, Pending, Abandoned |
|------------------------|--------------------------------------|---|
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Page 1 of 2

Rev 1.0 8-17-2000

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Sep 27 06 02:48p

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Banner & Witcoff Ref. No. 003413.00035

Power of Attorney

I hereby appoint, both jointly and severally, as my attorneys, all Banner & Witcoff, Ltd. Attorneys indicated therein under PTO Customer Number #22907, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office. All correspondence and telephone communications should be addressed to:

Banner & Witcoff, Ltd.
Customer Number: 22907

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature Mark L. Witten Ph.D. Date 9-27-06
Full Name of First Inventor WITTEN Mark
Family Name First Given Name Second Given Name
Residence Tucson, Arizona Citizenship US
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Page 2 of 2

Rev 1.0 8-17-2000

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